The amendment was put and lost.

The question that clause 6 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clauses 8 and 9

The question that clauses 8 and 9 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 1

The question that clause 1 stand part of the Bill was put and carried.

The clause was added to the Bill.

Preamble

The question that the Preamble stand part of the Bill was put and carried.

The Preamble was added to the Bill.

Sri. A. J. John: Sir, the Third Reading may be taken up tomorrow.

The reading of the Bill was accordingly postponed.

The Travancore-Cochin Land Improvement Bill

Minister for Public Works, Communications and Agriculture **(Sri. E. John Philipose):** Sir, I move that the Travancore-Cochin Land Improvement Bill as revised by the Select Committee be taken up for consideration clause by clause.

Sri. N. Kunjuraman: I second it.

The motion was put and carried and the Bill was taken into consideration.

Clause 2

Sri. K. Sivarama Pillai: Sir, I move:

"Delete clause 2 (iii)."

Sub-clause (iii) refers to the definition of the Inquiring Officer. "Inquiring Officer" means an officer appointed as such by the Board. I move for the deletion of this clause on two grounds. First, there is no necessity for such an officer, and secondly, the method of appointment is irregular.

Sir, the Bill would show that we have got a Land Improvement Officer who has to make a scheme and submit it to the Board. The Board, after considering the scheme, has to publish it in the Gazette and call for objections. The Board itself can hear the objections and pass orders on the merits. The aggrieved party can appeal to the Government. So, if there is any irregularity or if there is any defect in the scheme, there are two authorities, the Board and the Government, to hear them. So, to have an Inquiring Officer in between the Board and the Land Improvement Officer is only a step which will mean only an obstruction tactics to get time so that the scheme may not be put into action immediately.

There is also another ground, for my amendment. The Financial Memorandum attached to the Bill would show that a full-time officer has to be appointed on Rs. 275—325. That officer, according to the provisions of the Bill, need not be appointed by the Government or by the Public Service Commission. The officer has to be appointed by a Board consisting of two non-officials and two officials. Such a procedure is seen nowhere. Further, there is absolutely no work for the Inquiring

LIBRARY ARCHIVES Kerala Legislative Assembly

[Sri. K. Sivarama Pillai]

Officer also. The duties of the Inquiring Officer are to sit in judgment over the scheme prepared by the Land Improvement Officer. Fortunately, for this Government, we have got one of the highly qualified men as the Land Improvement Officer and it is absolutely impossible to get a man better qualified to sit in judgment over him. So, such a post is unnecessary, and therefore I move that this clause be deleted.

Sri. E. John Philipose: I oppose the amendment. In the first place, my friend raised two objections to this clause. The first was that an Inquiring Officer would come between the Board and the Government and the actual operation of the scheme would be delayed. Secondly, the Board may well hear all objections. But, the Board as constituted, may not have the time and the patience to listen to all the objections of the various owners in a scheme and as such the Board may not even be competent to hear the objections from land owners with regard to their respective rights and interests. I believe that my honourable friend will agree that an Inquiring Officer appointed for the purpose of hearing the objections would probably be more satisfactory than the Board itself, as at present constituted.

The second objection is that in this Bill where the financial implications have been stated, it contemplates a provision for the appointment of an Inquiring Officer That is only a possibility and a remote contingency. It is only when schemes are framed in such plenitude that the necessity of a full-time officer becomes essential and such an officer need be appointed. But it is quite practicable to have a Collector or a Deputy Collector as the Inquiring Officer. The Board may direct any of these officers to enquire. You will notice here what the Inquiring Officer's duty is: the Collector may direct requiring all persons affected by the scheme who wish to object to it or to any part thereof, to submit their objections in writing to the Inquiring Officer. The Inquiring Officer, under clause 6, shall inquire into all the objections received or recorded by him and submit them to the Board. He need not necessarily be a full:time officer and Government as at present advised, do not propose to appoint any such officer at all. That is a matter which, on behalf of this Government, I wish to make clear on this occasion, *viz.*, that Government have no idea of appointing a full-time Inquiring Officer. Therefore, I do not think that the deletion of this clause and the consequential amendments which my honourable friend has moved are really necessary. There is absolutely no fiarm in having as an Inquiring Officer—a Deputy Collector or a Tahsildar, who the Board may think competent to listen to and find out the objections. In fact, I think it is a very nccessary provision.

Sri. K. Sivarama Pillai: When a full-time officer is necessary, who is the appointing authority?

Sri. E John Philipose: In the clause as it stands at present, it is stated that the Board may direct..

Sri. K. Sivarama Pillai: It means "an officer appointed as such by the Board".

Sri. E. John Philipose: Yes, it is an appointment by the Board. That is true.

The amendment was put and lost.

Sri. D. Gnanasigamoni: Sir, I move:

"In clause 2 (v), omit the words beginning with 'a tenant' up to the end of that sub-clause",

LIBRARY ARCHIVES Kerala Legislative Assembly

The amended clause would read as follows:

"'Owner' includes the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person, the rent or profit derivable from land."

The purpose of this amendment is to take away from the purview of the definition 'owner', the tenant, the occupant, and the mortagee in possession. Sir, owner ordinarily does not include either a tenant, or an occupier or a mortgagee in possession. But this is what is commonly called the inclusive definition by which the tenant, occupant as well as the mortgagee in possession are roped in, so that they are made responsible for carrying out certain duties and acts under this Bill.

There are one or two matters which I want to refer to, namely, as to what all things a tenant, or mortgagee in possession are made liable under this Bill. Under clause (4) (ii) (d), the Board shall prepare "the works to be carried out under the scheme and the owners of the land who shall carry them out." If some work is decided upon under the provisions of this Bill, the owners under certain directions from the authorities concerned are bound to carry out the work decided upon. The owners here will include a poor tenant, an occupier and a mortgagee in possession. Therefore, what ought to be ordinarily visited on a owner is now indirectly sought to be visited on a tenant, an occupier and on a mortgagee in possession as well. We have got to see how far this will be proper. To me it appears that no valid ground has been given under the provisions of this Bill why a tenant should be included and why an occupier should be included and why a mortgagee in possesion should be thus included. Ordinarily, the owner will mean the owner of the land in question. Therefore, needlessly roping in a tenant and an occupier and a mortagee in possession and saddling him with a great responsiblity under this Act will in fact cause very great hardship to a tenant and an occupier and a mortgagee in possession.

Then, again, Sir, under clause 9 (2), the Land Improvement Officer shall give notice in the prescribed form to all the owners of the lands included in the scheme requiring them to carry out within a specified period such works as they are liable to carry out under the scheme. There also within a stipulated period under the directions issued, the owners will have to carry out this scheme. No doubt, there may be some justification if it is the actual owner. But under the definition of "owner", the occupier, the tenant and the mortagee in possession are included. Therefore, it appears to me this definition must be got rid of, and must be recast so as not to include within its purview, the Tenant, the occupant and the mortgagee in possession of the land. That is all that I have got to say in respect of this amendment.

Sri. A. Thanu Pillai: My amendment is the same as that of Mr. Gnanasigamoni. This is my amendment.—In clause 2 (v) Omit the word 'tenant', omit the words 'an occupant' and omit the word 'mortgagee'. Apart from the question as to the propriety of an outside body doing some work on a land and asking the owner to supply the funds or to carry out the work, whatever may be the propriety in regard to that, I also fail to see why a tenant or an occupant and a mortgagee should be put in the same position as the owner and be compelled to carry out certain works. Then, if the works are not carried out by him it will be carried out by an outside agency, the Board or the Officer, and then he will be asked to make good the money, the cost incurred, and he will be proceeded against under the Revenue Recovery Act. That is the provision in the Bill. Why a tenant or an occupant or a mortgagee, simply because he happens to be in possession, should be put to all this difficulty—

LIBRARY ARCHIVES Kerala Legislative Assembly

[Sri. A. Thanu Pillai]

what justification there is—I am at a loss to see. Therefore, it was that I also gave notice of this amendment that a tenant, an occupant or a mortgagee should be excluded. I put it as three amendments, because if there is some justification why a tenant should be burdened with this liability, he may come in. If there is justification for an occupant, then also he may come in. Similarly, a mortgagee. After hearing the Minister, if there is justification in the case of any one of them, the other two should be excluded.

Sri. E. John Philipose: These two amendments by Sri. D. Gnanasigamoni and Sri. A. Thanu Pillai are intended really to be on behalf of the tenants, occupants and mortgagees and to benefit them.

In fact, in the entire scheme of the Bill it will be realised that immediate usefulness is given due consideration. There will be tenants who will be tenants for perpetuity and the owners will have no right other than collection of rent. The permanent occupancy right will be that of the tenant. The same interpretation applies to mortgagee also. There are mortgagees whose period extends up to 50 years and renewed for another same period so much so he continues to be in possession. To safeguard the position.....

Sri. A. Thanu Pillai: But are there not exceptions ?

Sri. E. John Philipose: There is no fear so far as the tenant is concerned Recourse to clause 5 (2) (b) can be had whereby all persons affected can put in their objections which will be heard duly by the enquiring officer and recommendations made for removal of grievances.

Sri. A. Thanu Pillai: Is it not merely in regard to the whole scheme as such that objection can be taken but not in regard to the liability that is involved ?

Sri. E. John Philipose: The scheme includes all that. The essential part of the scheme is that. All persons who have any objection can have recourse to clause 5 (2) (b). Further Clause 6 says that the inquiring officer shall inquire into all the objections received or recorded by him and submit them to the Board together with his report thereon and his recommendations, if any, for the modification of the scheme. Under these circumstances I think there is no need for an amendment of this character.

Sri. K. Sivarama Pillai: Then is it not a case where a land has more owners as rent receiver, tenant, etc. ?

Sri. E. John Philipose: That is why we have said that in respect of one group of land there may be various interests involved and the definition in regard to owner is made exhaustive.

Sri. A. Thanu Pillai: But then he should not be compelled to carry on the work.

Sri. D. Gnanasigamoni: That is the very thing to be avoided and the amendment suggested is for that purpose. In this connection I will draw the attention of the Minister to clause 14 where a liability is cast on the owner and a time limit fixed.

Sri. E. John Philipose: That is exactly why I have stated where there are permanent rights, such tenants should be called upon to shoulder the working of the scheme. Persons affected thereby will from part of the scheme and every person so

LIBRARY ARCHIVES Kerala Legislative Assembly

affected shall have the right to file objections and they being heard and recommendations made to relieve those objections.

The amendments were put and lost

The question that clause 2 stand part of the Bill was put and carried

The clause was added to the Bill

Clause 3

Sri. A. Thanu Pillai: Sir, I move,

"In clause 3, add at the end 'the members shall have the qualifications prescribed'".

But clause 3 merely says.

"Government shall constitute a Land Improvement Board consisting of a Chairman and four members of whom two at least shall be non-officials".

I want some qualifications to be prescribed for membership of this board if it is to be of real use. If it is not, any two officers and any two members of this legislature whom Ministers may find it necessary to satisfy may be chosen to constitute the Board. But if the Board is to be of real use, qualifications should be prescribed for the members thereof. I do not say what the qualifications are. They must be men who would really be of use for their being put on a board of this kind. We know how committees are constituted and what reports they produce, Government find their reports unfit even for publication. So such a board should not be constituted. But this board is invested with extraordinary powers. They may decide upon a scheme or do something affecting private individuals' land. They may think that what they think will be beneficial. They may make mistakes. We hear a good deal about Vysserikandom in Cochin where some work was done by the Food Board and—

Sri. E. John Philipose. May I correct the member? Such things were done by a board which came into being long before the Food Production Board.

Sri. A. Thanu Pillai: Anyway it was done by somebody who did not know their business. Such things should not happen in connection with this. Men with engineering qualificaiion or one who knows about how lands can be conserved or who knows about agriculture, or men with scientific knowledge can be thought of at the time of framing rules. In fact all that I have said is that qualifications should be prescribed for the members and what the qualifications are may be decided by the authorities. The amendment I have put in is not in form as very little time was available to prepare it. Anyway the substance of the amendment is there and it may be given due weight.

Sri. E. John Philipose: I accept the spirit of the amendment. But I doubt whether there is any real need for that. Excepting the prescription of qualifications there will be nothing to work that out. I am sure my hon'ble friend knows that. Excepting the fact that this amendment has given an opportunity for undeserved insinuation against Government I personally believe there is no need for this. On the face of it that may not produce laudable results. In the nature of things the position is that. Therefore I oppose the amendment.

The amendment was put and lost

LIBRARY ARCHIVES Kerala Legislative Assembly

Sri. A. P. Udayabhanu: I do not move my amendment.

The question that clause 3 stand part of the Bill was put and carried

The clause was added to the Bill

Clause 4

Sri. A. P. Udayabhanu: Sir, I move,

"In clause 4, after sub-clause (1) (b), add the following as sub-clause (c) and renumber the remaining sub-clauses accordingly:—

(c) improvement of water supply by the utilisation of water in rivers or rivulets, tube wells boring or construction of wells, conservation of rain water by constructing dams or by use of power,"

Sri. E. John Philipose: As regards that, I am prepared to accept the first part namely the improvement of water supply. I do not think it necessary to make an exhaustive list of what is meant by that. In the nature of the scheme it may not be exhaustive. Therefore the amendment may be restricted to the improvement of water supply.

Sri. A. Thanu Pillai: But that is generally meant for drinking purposes.

Sri. E. John Philipose: The nature of the scheme is that and that alone.

Sri. D. Gnanasigamony: Is not this amendment beyond the scope of this board?

Sri. E. John Philipose: No.

Sri. A. P. Udayabhanu: I fully accept the Minister's observations in regard to the amendment. But I would like to answer one point raised by some other member in this context. This amendment is not my originality. I have copied out what is found in Delhi and Ajmer Merwara Bills. Therefore I do not claim any originality for this. I have bodily taken that and transplanted it here.

Sri. E. John Philipose: When this Bill was drafted this amendment was discussed. But the idea underlying it is covered by clause (d) of the same sub-clause.

Mr. Speaker: Clause 4, sub-clause (1), after adding the amendment as accepted by the Minister in charge of the Bill, would read as follows:—

"(*a*) preservation and improvement of soil ;
(*b*) prevention of soil erosion ;
(*c*) improvement of water supply ;
(*d*) improvements in the method of cultivation and type of farming ; etc."

Sri. A. Thanu Pillai: What does this mean 'conservation of rain water by constructing dams or by use of power'.

Sri. E. John Philipose: That is why I said that that portion may be omitted.

Mr. Speaker: The amendment as modified by the Hon'ble Minister would read as follows:—

In clause 4, sub-clause (1) (b) add as sub-clause (c) improvement of water supply' and renumber the remaining sub-clauses.

The amendment as modified was put and passed.

Sri. K. P. Nilakanta Pillai: I may be permitted to move amendments nos. 8 and 10 together so that time need not be wasted unnecessarily.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Speaker: Yes.

Sri. K. P. Nilakanta Pillai: Sir, I move:

(8) 'Add the following as sub-clause (d) of clause 4, and renumber the remaining sub-clauses:—

"(d) for the consolidation of holdings and formation of agricultural co-operatives." and

(10) 'Add the following as sub-clauses to clause 4 (1) and renumber the rest:—

(*i*) the construction of wells, tanks and other works for the storage, supply or distribution of water for the purpose of agriculture;

(*j*) the construction of works for protection from floods or for affording facilities for transport of materials to and from the land;

(*k*) the repair or renewal or reconstruction of any of the foregoing works or alterations therein or addition thereto.'

Sir, I also do not claim any originality for my amendment. Amendment No. 8 has been adapted from Agarwallas 'Gandhian Plan', the other amendment I partly took from the Land Improvement and Agricultural Loans Act of Travancore. Anyhow it i s better to say, at the outset that I am not the author.

My amendments, when they are accepted would add four more sub-clauses. Sub-clauses a, b, c would be retained, and then comes sub-clause (d) from my amendment; then follow e, f, g and h in the Bill; then instead of sub-clause (i), my amendments i, j, and k should be added and then the sub-clause (i) in the original comes renumbered as (m) 'such other matters not inconsistent with the objects of this Act as may be prescribed.'

Sir, when this Bill came up for discussion, a very honest doubt arose in my mind. I found that there are various institutions or authorities which are to be created towards improving land, improving agriculture and for the growth of food. Will not these over-lap? We are therefore in a very difficult situation. We are not sure to whom we should turn for a particular piece of service. That is why I put the question; who is responsible for these things—is it Public Works Department, or the Irrigation Branch of the Public Works Department, or the Grow More Food Campaign office or the Land Revenue Department? We are bewildered by the multiplication of these authorities. This being the latest proposal for the improvement of land, I thought that we will give this scheme a very honest trial. I thought that, therefore, very exhaustive directions should be given in the matter.

We have included several things in the Bill. The Board must have full powers to deal with all the duties that are assigned to them. We know that there will be several heads for the agriculturist, whether he is a small-scale cultivator, or a co-operative farmer or concerned with a unit of some big scheme of cultivation. The Board must be competent to serve them adequately. Whether it is the construction of an irrigation tank, or a dam, all these must be within the purview of the activities of the Board. That was the motive which induced me to table my amendments.

My amendment (d) would include a scheme for the consolidation of holdings and formation of agricultural co-operatives within the activities of the Board. We all know that the main curse of agriculture of our country is fragmentation of holdings. Therefore if a new scheme is to be evolved for the improvement of agriculture and a new Board is to be created for that purpose, we must include a programme of consolidation of holdings in the scheme. I do not want to dilate on the evils of fragmentation. Without some form of consolidation of holdings, or an

LIBRARY ARCHIVES Kerala Legislative Assembly

[Sri. K. P. Nilakanta Pillai]

agricultural scheme on a co-operative basis, I have strong doubts whether any useful purpose will be served by this Board.

Want of communications is also a handicap to the improvement of agriculture. If the object of the Board is to improve agriculture, large-scale or small-scale, development of communications is the most important thing. I do not mean traffic, but small roads to transport agricultural materials.

Then take up the question of intensive cultivation. If it is the object of the Board to attempt intensive cultivation, irrigation is absolutely necessary. Therefore the Board must undertake irrigation also. My friend might say that it is included in sub-caluse 4. Sub-clause (c) of course, includes all these. It says 'improvement in the method of cultivation and type of farming'. But there is no specific provision for improvement of irrigational facilities. Intensive cultivation cannot be thought of without irrigation. Therefore there must be a provision to provide for a permanent source of water supply.

Sri. E. John Philipose : Water-supply has been accepted.

Sri. K. P. Nilakanta Pillai : Sub-clause (*b*) is for the prevention of soil erosion by two methods; afforestation and terracing. I do not want to elaborate the point. I say merely that all these must be included within the province of the Board that is proposed to be created for the improvement of land in the State.

Again, with regard to the consolidation of holdings or the formation of agricultural co-operatives. The honourable Finance Minister stated that the co-operative societies in the State are a parasite on the body of the State. Then if we entrust agriculture with these societies, it will involve a lot of capital outlay and waste of public money. The question then resolves itself into this; that Government will have to take up the responsibility on themselves.

As regards my amendment (*i*) "the construction of wells, tanks and other works for the storage, supply or distribution of water for the purpose of agriculture" I do not want to state any more as I have already dwelt on that.

In regard to (*j*) "the construction of works for protection from floods or for affording facilities for transport of materials to and from the land". I do not know whether they may be included in sub-clause (*b*) I merely want to stress this point that on account of floods, a lot of damage is done to agriculturists in the State. So many breaches occur after the monsoon and it is not within the ability of the agriculturists to close them. Therefore it must be one of the express duties of this Board to prevent the havoc caused by floods.

Now (*k*)—"the repair or renewal or reconstruction of any of the foregoing works or alterations therein or addition thereto".

These are the sub-clauses which I propose, should be added on to the existing Clause. According to me I do not find any objection to their addition. Till now, it was usual to stint in the matter of giving wide powers to statutory bodies. Now I say take more and more powers. Be very active. The Government are always saying that they can do a lot for the country if they are given more powers. Now have those powers. With these words, I place my amendment for the consideration of the House.

Sri. E. John Philipose: I hope I should be able to remove certain honest doubts that are assailing the mind of my hon'ble friend. His difficulty was mainly due to the multiplicity of agencies that are now existing for carrying out certain types of work. As years pass we make progress and there is bound to be multiplicity of agencies of Government. I am sure that my hon'ble friend would reconcile

LIBRARY ARCHIVES Kerala Legislative Assembly

himself to modern conditions. As far as his main amendment is concerned, that is amendment No. 8, about the consolidation of holdings and the formation of agricultural co-operatives, I don't believe that my hon'ble friend has fully understood the scope of this Act. This is purely an Act in respect of land improvement and in the words of my hon'ble friend, Sri. Markose, it could be called Land Development Act. It is purely a Land Development Act and it is not intended to serve any larger objectives as consolidation of holdings, etc., which could be dealt with in another Act. Therefore, I think it is outside the scope of this Bill. It does'nt try as far as possible to interfere with the existing rights and ownership of land. In fact, if that is the intention, it would take much longer time to put these things into operation. Therefore, this Bill contemplates only, taking things as they exist today, to frame a scheme whereby the necessary improvements on land may be made. Hence, I hope that my hon'ble friend would agree that his amendment is outside the scope of the Bill as it stands at present though his intentions and objects are perfectly laudable. I hope he will withdraw this amendment.

With regard to amendment No. 10, these are again enumeration of certain activities which are included in Clause 4, sub-clause (1) and I might also inform my hon'ble friend that prevention of soil erosion cannot be done merely by afforestation alone. I am advised by experts that prevention of soil erosion definitely includes control of floods. And, therefore, my hon'ble friend will realise that the ideas which he has included in amendment No. 10 are all included in Clause 4. It is not necessary to multiply the provisions of this Bill. Besides I might also point out that though my friend wants these works to be carried out by the Board he wants to restrict the cost of every scheme to Rs. 25,000. He says that floods must be controlled and all kinds of irrigation works must be undertaken by this Board. I do not know how we can reconcile these things together. But I might tell the Hon'ble Member that any way, what is intended in amendment No. 10 is now in the Bill as it is. Therefore, I hope my hon'ble friend will not press this amendment.

Amendments Nos. 8 and 10 were put and lost

Sri. Ponnara G. Sreedhar : Sir, I move:

"In clause 4, sub-clause (1) (*h*), between the words 'of' and 'setting', insert the words "cutting down or destroying of trees and other growths; "

Sri. E. John Philipose : I accept that amendment.

The amendment was put and carried

Sri. A. P. Udayabhanu : Sir, I move:

"After clause 4 (1) (*h*), add the following clause and renumber the rest accordingly:

'cultivation of land lying uncultivated or not fully utilised owing to the negligence, incapacity or absence of the owner.' "

Sri. E. John Philipose : I would invite the attention of the Hon'ble member to sub-clause (*e*) of clause 4 (1) reclamation of water-logged or otherwise waste lands ;

Sri. A. P. Udayabhanu : It is not the waste land that is contemplated by my amendment. It is regarding the cultivation of lands lying uncultivated and not fully utilised. It dealt with lands owned by private individuals. Moreover, in this connection I may invite the attention of the House to another Act that is, the Bombay Tenancy and Agricultural Lands Act. In Section 63 of this Act it is provided that the Provincial Government is entitled to take over management of such lands as have been found uncultivated for any two agricultural seasons owing to the fault of land owner, tenants or whatever cause. The Government can lease out such land.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sri. E. John Philipose: This is not an Agricultural Act. It does not contemplate any continuous process. It contemplates a general scheme of improvement of a particular area. After the improvements are effected the general law of the land will apply.

Sri. A. P. Udayabhanu: What I intend is to bring this on a level with the Delhi and Ajmere Act. And, it has been recommended by the land committee that a legislation on the basis of that Act may be introduced here. The land should no longer be allowed to be exploited by private individuals thinking that their lands are their own concern. We must have legislation for directing, regulating and sometimes interfering with the right of possessing such lands for the improvement of those lands. Such a provision is found not only in the Bombay Legislation or the Ajmere Legislation but also in the British Agricultural Act of 1947. Section 9 of that Act states thus. "Owners of Agricultural land should fulfil their responsibilities to manage the land in accordance with the rules of good estate-management and that occupiers of agricultural land should fulfil their responsibilities to farm the land in accordance with the rules of good husbandry".

And section 16 of the Act provides for the dispossession of owners or occupiers on grounds of bad estete management or bad husbandry.

Sri. E. John Philipose: May I just explain to the Hon'ble Member the scope of this Bill? Once a scheme is drafted and that scheme has been put into operation and completed the Board has no longer anything to do with that. Once the various parts of the scheme is put into operation, the Board is not concerned with whether a particular land is left fallow or not. It is a matter to be taken up by the Government.

Sri. A. P. Udayabhanu: I understand that the scope of the Bill is very limited. But I wanted to make the scope of the Bill a little more wide. What I have to say is this, Sir. Without making any violent change in the scheme of the Act it is possible to widen the scope of the Act and include the object of my amendment and thus make the enactment on an equal footing with similar modern legislations elsewhere. According to the Bombay Tenancy Agricultural Act, it is seen that if a land is ieft fallow for two years, or is not fully utilised or well cultivated or not cultivated to the best advantage of the community the Government can step in and lease it out for a particular period.

Sri. A. Thanu Pillai: May I know whether he has any idea of the work done in Bombay according to the provisions of that Act?

Sri. A. P. Udayabhanu: I have no idea about the work either in Bombay or in Ajmere Mirwara.

Sri. A. Thanu Pillai: I want to know whether he has any further information regarding the work really done with regard to this particular provision. I did not want to accuse him.

Sri. A. P. Udayabhanu: That is why I said I have not seen any work done anywhere else. I have read something about these Acts. I have read some reports. That is all the information I have got on the matter. I am not speaking with any personal knowledge or experience. It is very obvious that I have not got any knowledge of what is being done in England or anywhere else in regard to this provision. If the honourable Minister does not want to enlarge the scope of this Bill I have nothing more to say.

Sri. E. John Philipose: Even as it is, the Bill enables the Government to do at remendous lot of things. But this Bill is not intended to do certain things which are outside the scope of this Bill. This Bill, as it is, is intended purely for a

LIBRARY ARCHIVES Kerala Legislative Assembly

land development scheme. If once it is passed, then it is the general administrative machinery that takes up these things. Then it also casts an obligation on Government to undertake the full responsibility. Unless the Board make arrangements for some kind of cultivation it will be casting on Government a duty to do certain things which the Government may not be in a position to carry on. Therefore as far as this particular scheme is concerned, I should like to explain to my honourable friend that it is not the intention of Government to widen the scope of the Bill, which is already wide in its scope.

Sri. V. O. Markos: In regard to amendment No. 12, will it not fall within the scope of this Bill?

Sri. E. John Philipose: Amendments 7, 10 and 12 deal with matters that come definitely within the scope of this Bill. I am talking of amendment No. 11, moved by Mr. Udayabhanu. As far as amendment 12 is concerned that also comes within the various enumerations that we have carried here. Matters like preservation and improvement of soil, will come under wind shelters and wind break of trees. All those things can be brought under any of the sub-clauses of clause 4 (*i*). In view of what I have stated with regard to the Government's intention regarding the scope of this Bill, I hope the honourable member will withdraw the amendment.

Sri. A. P. Udayabhanu: I am not pressing the amendment.

Mr. Speaker: The question before the House is that leave be granted to the member to withdraw his amendment.

The motion was put and carried. The amendment was by leave, withdrawn.

Sri. A. P. Udayabhanu : After clause 4 (1) (i) add the following clause and renumber: "planting or sowing of trees, shrubs and grasses for the purpose of afforesting uncultivable land or for providing shelter beds against wind or sand or for any other purposes."

It is purely enabling to do a compulsory thing.

Sri. E. John Philipose : I think it arises out of the misunderstanding of clause "*a*" and "*b*". (*a*) deals with preservation and improvement of soil and (*b*) deals with the prevention of soil erosion. My honourable friend has just stated that there are two kinds of soil erosion, one by water and the other by wind. He has just stated that in Cape Comorin sand dunes are formed by wind erosion. In the Fruit Farm at Cape Comorin, the Government are now trying to plant trees known as wind-breakers which would minimise the velocity of the wind and thereby save the sand from getting away. This definitely comes under clause (*b*).

Sri. V. O. Markos : Amendment No. 12 is not only for this. It provides for creation of wind-belts and other useful works also. It will cover not only prevention of soil erosion but also various other useful things.For example, the leaves of plants are all torn into pieces by strong winds. If a wind belt is formed it will prevent this.

Sri. E. John Philipos : I would invite the attention of the honourable member to clause (*g*), control and maintenance of tree growth and also clause (*h*).

Sri. V. O. Markose : That relates to trees already there. But amendment No. 12 contemplates planting of trees, shrubs etc., to create a sort of wind-breaker.

I support what Mr. Udayabhanu said. He was referring to the same provision as in the Act of 1948 which is in force in Delhi and Ajmere Mirwara. Of course the purpose which is to be served by wind-belt will certainly cover the prevention of soil erosion. It serves not only the purpose mentioned in (*d*) but a number of other

LIBRARY ARCHIVES Kerala Legislative Assembly

[Sri. V. O. Markos]

purposes also. In the hilly places we see a number of cover crops being cultivated within plantations of tea and rubber etc. They are grown to prevent soil erosion. Wind belts serve that and other purposes too. I recommend that this amendment is in no way harmful and it enables us not only to protect soil but the plantation in it also.

Sri. D. Gnanasigamoni: Is it the honourable member's idea that people must cultivate.....

Sri. V. O. Markose: Quite a lot of other things may be done by individuals. But when the Government is encroaching upon the rights of individuals the Government will have to be armed with legislation.

Sri. E. John Philipose: There is nothing inherent in that. That does not come within the scope of this Bill. I still maintain that this amendment No. 12 is included in the various sub-clauses of clause 4 (1). If honourable members are however anxious to have this specific clause Government have no objection.

Mr. Speaker: Is there any objection to accept this amendment?

Sri. E. John Philipose: No objection.

The amendment No. 12 was put and passed

Sri. D. Gnanasigamoni: I move amendment No. 14. "Delete sub-clause 2 (e) of clause 4"—the agency or agencies through which such work shall be carried out. Nothing is stated about the agency anywhere else in this Bill. Every conceivable person has been brought under the definition of "owner". This shows that every work shall have to be carried out by particular agents in the place of the owner. But there are other provisions throughout the Bill that owners shall be directed to carry out the work. Clauses 9 and 14 are examples of this. This clause, as it is, is open to abuse.

Sri. E. John Philipose: I have no objection to accept this amendment. But if it is deleted it will mean that you will be making more difficult, to find the person who is to do that work. It is, therefore, better that such agents are made specific. If honourable members think that no such specification is necessary I have no objection. But I think it is necessary.

Sri. D. Gnanasigamoni: My object is to make it more specific. This gives rise to a lot of confusion. For the first time we are seeing it. There are other provisions which say that the owner may have to carry out the work. For that a large amount of money is necessary, and why should there be an additional burden of an agency?

Sri. E. John Philipose: I think the honourable member has fully understood the implications of the clause. Clause 4 contemplates the scope of the scheme and the details of the nature of the scheme whereas clause 5 gives all opportunity to raise objections. When an objection is raised it is better to know what are the agencies to do the work so that any person who objects may find it easy. It is only a draft of a scheme.

The amendment was put and lost

Sri. K. P. Nilakanta Pillai: Add the following proviso at the end of the clause:

"Provided that no scheme or plan so prepared shall involve an expenditure exceeding Rs. 25,000."

LIBRARY ARCHIVES Kerala Legislative Assembly

What I mean by this amendment is this. Instead of spending a fabulously big sum on a big scheme, many small schemes must be taken up by this Board. It is with that view that I tabled this amendment. Of course, I have my own doubts whether the proposal at Neyyattinkara will come within the scheme as prepared by the Committee. It may not come. There the work involves an amount of 75 or 80 lakhs of rupees. If the Board is to undertake the reclamation of Vembanad Lake it also will involve a very large amount. I am not at the same time against undertaking big schemes. But it is not the present purpose. At this time we must carry out land improvement schemes, as many schemes as possible, in due consideration of our finances. That should be the aim of the Board. There must be a sort of distribution of work throughout the State. We can afford to spend only a limited sum on a particular scheme. Therefore I mean that a particular scheme should not involve an expenditure of more than Rs. 25,000. That is the object with which I have tabled this amendment. The learned Minister in charge of the Bill has been saying that after completing a particular scheme the Board may not have to do anything with that scheme. If that is so, it is all the more necessary that some such amendment should be acceptable. Otherwise, if a big scheme involving an expenditure of several lakhs of rupees has been carried out by the Board and the scheme proves to be a failure after the money has been realised from the persons interested it is something very bad.

Sri. E. John Philipose : I oppose this amendment. This limitation up to Rs. 25.000 is practically unworkable.

The amendment was put and lost

The House adjourned at 4-42 p. m. to meet again at 11 a. m. on Wednesday, the 8th November 1950.

V. KRISHNAMOORTHI AIYAR,
Secretary, Legislative Assembly.

LIBRARY ARCHIVES Kerala Legislative Assembly